



STAFF REPORT

Resolution Amending Art in Public Places Policy

November 25, 2003

Honorable Mayor and Council Members:

Summary

The Arts Commission has developed and is recommending a new section for the Art In Public Places Policy that outlines the procedures for the purchase of artwork. It is also recommended that Council approve an amendment to the maintenance of donated artwork section of the policy.

Background and Discussion

In July of 2002 the City Council approved an Art in Public Places Policy that included sections on:

- 1) Procedures for Acquisition of Donated Artworks, and
- 2) Procedures for the Loan of Artwork

The Arts Commission has developed and is recommending a third section, Procedures for the Purchase of Artwork for Council's consideration. The new section is recommended in the event that the City is to consider the purchase of artwork for a public facility.

The Procedure for the Purchase of Artwork amendment to the policy includes a section on the consideration and evaluation of proposed artwork for purchase. The Arts Commission will review all proposed purchases of art and will consider and evaluate each work of art with regard to a list of criteria that includes artistic quality, technical feasibility and content of the work of art within the City collection. The amendment also includes a section on the approval, acquisition, and installation of a work of art. This component establishes the process for Commission approval of the purchase. The final section pertains to the legal procedure for the purchase and installation of the work of art.

If the Council chooses to accept this policy format for the Purchase of Artwork section, the Arts Commission will explore various options for the funding of public artwork. One of the options may include an art dedication fee/requirement for developers to place art in public places and or pay an in-lieu fee.

It is also recommended that Section I.D., Maintenance of Donated Artwork, of the policy be amended by removing language that commits the City to preserve and protect donated or loaned artwork. The issue of preserving and protecting donated or loaned artwork will be addressed on a case-by-case basis through an approved application form.

Fiscal Impact

There is no fiscal impact related to adoption of the amendments to the policy.

Recommendation

It is recommended that Council adopt the amendments to the Art in Public Places Policy as presented.

Alternatives

- (1) Adopt the policy amendment with modifications.
- (2) Refer back to the Arts Commission.
- (3) Take no action.

Attachments

- (1) Resolution
- (2) Art in Public Places Policy

Respectfully submitted,

Vern Holte
Recreation Superintendent

Karl Mittelstadt
Director of Parks & Recreation

Jere A. Kersnar
City Manager

RESOLUTION NO. _____
CITY OF BELMONT
SAN MATEO COUNTY, CALIFORNIA

RESOLUTION AMENDING THE ART IN PUBLIC PLACES POLICY

WHEREAS, the City Council recognizes the importance of public art; and

WHEREAS, it is necessary to amend Section I.D., Maintenance of Donated Artwork; and,

WHEREAS, in order to purchase artwork for the City's collection it is necessary to establish a policy for such purchases; and

WHEREAS, the Belmont Arts Commission will review and recommend the purchase of artwork to the City Council.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Belmont approves amendments to the City's Art in Public Places Policy as described in attached Exhibit "A".

* * * * *

I hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of Belmont at a regular meeting thereof held on November 25, 2003, by the following vote:

AYES, COUNCILMEMBER(S): _____

NOES, COUNCILMEMBER(S): _____

ABSTAIN, COUNCILMEMBER(S): _____

ABSENT, COUNCILMEMBER(S): _____

CITY CLERK of the City of Belmont

APPROVED:

MAYOR of the City of Belmont

DRAFT

EXHIBIT “A”

City of Belmont

Policy for Art in Public Places

The City of Belmont hereby establishes the following policy for the acquisition, maintenance and divestiture of artwork by the City through gift, loan or purchase.

This policy establishes a protocol and standard for the acquisition and divestiture of such proposed donations, loans or purchases of artwork. The purpose and intent of this policy is to ensure that works of art accepted or purchased by the City of Belmont are appropriate for the municipal collection.

I. Procedures for Acquisition of Donated Works of Art

A. Application

Each proposed donation or gift, of a work of art to the City of Belmont shall be the subject, of a written 'Municipal Art Donation Application' submitted to the City. No proposed donation shall be deemed accepted by the City until and unless all required approvals have been granted, including but not limited to action by the City of Belmont City Council. An application for each proposed donation shall be submitted in a form provided to the City of Belmont Arts Commission, in care of the Director of Parks and Recreation, and shall consist of the following items:

1. Completed application form.
2. Photographs, drawings, models or designs of the proposed donation.
3. Description of the work of art or designs of proposed donation, limited to artist rendering, maquettes, media representation, materials to be used (including support materials) lighting requirements, plans and colors.
4. Title, date, dimensions, weight and media of the proposed donation.
5. A site plan of the proposed location for the donation to be installed, if any, including, but not limited to photographs and drawings of the site.
6. Installation schedule.
7. Engineering requirements, if any.

8. Maintenance manual and schedule.
9. Cost of installation (with itemized budget).
10. Biography of the artist and examples of the artist's previous work.
11. Gift Deed executed by the donor.
12. Such other information or materials determined by the Arts Commission to be necessary or appropriate for consideration of the proposed donation.

Upon their submission, all applications, including all materials submitted therewith, shall become the sole and exclusive property of the City of Belmont and shall not be returned to the applicant under any circumstances.

B. Review Criteria and Process

Each proposed donation of a work of art to the City of Belmont shall require the initial Review and recommendation of the Arts Commission. Upon such action of the Arts Commission, the proposed donation shall be submitted to all other boards and committees necessary for the City's approval of acceptance

The Arts Commission shall review all applications for proposed donations of works of art and shall consider and evaluate each work of art with regard to the following nonexclusive list of factors;

1. Technical feasibility and needs of the work of art.
2. Installation cost of the work of art.
3. Maintenance requirements of the work of art.
4. Durability and anticipated life of the work
5. Safety hazards and potential for vandalism of the work of art.
6. Proposed site (if any) of the work of art.
7. Artistic quality of the work of art.
8. Context of the work of art within the City collection.
9. Professional credentials of the artist.

The Arts Commission, with the consent and authorization of the City Council, may designate one or more professionals to serve in an advisory capacity and assist the Arts Commission in its review of a particular application. Upon its consideration and evaluation

of the application, the Arts Commission shall prepare a written report addressing the above listed factors and shall vote to recommend that the City Council either accept or decline the proposed donation of artwork. A majority vote of a quorum of the Arts Commission shall be deemed sufficient to make a recommendation. All recommendations of the Arts Commission shall be presented to the City Council for final action on the application, and no proposed donation of a work of art shall be deemed to have been accepted by the City of Belmont until and unless the proposed donation is approved by the City Council.

C. Acceptance of the Donation

Acceptance of a gift of a work of art shall be acknowledged through a written "Notice of Approval" signed by the City of Belmont and conditional upon execution of a contract transferring title of the artwork donated in a "Notice of Acceptance".

D. Maintenance of Donated Artwork

~~When acquiring any donated artwork, the City of Belmont commits to its preservation and protection for the public benefit.~~ All materials used in the creation of the artwork must be reasonably calculated to last in a public, non-archival setting to the extent intended by the artist, and announced in the application. Notwithstanding the foregoing, the City Council; retains and reserves the sole and exclusive discretion to temporarily or permanently modify, relocate or divest the donated artwork when deemed necessary or appropriate in furtherance of the public health, safety or general welfare.

From time to time, the Arts Commission may, by majority vote, recommend to the City Council that previously donated works of art accepted into the municipal collection be temporarily or permanently modified, relocated or divested.

In the event that the City Council considers the temporary or permanent modification, relocation or divestiture of donated work of art, the donor shall be provided with advance written notification of such consideration.

II. Procedures for the Loan of Artwork

A. Procedure

Each proposed loan of artwork to the City will follow the same principles and guidelines as the procedures for the acquisition of public artwork through donation.

1. The Agreement for Loan of Artwork shall be acknowledged through a written Agreement signed by the Artist and the City of Belmont.

III. Procedure for the Purchase of Artwork

A. Consideration and Evaluation

The Arts Commission shall review all proposed purchases of works of art and shall consider

and evaluate each work of art with regard to the following non-exclusive list of factors;

1. Technical feasibility and needs of the work of art.
2. Installation cost of the work of art.
3. Maintenance requirements of the work of art.
4. Durability and anticipated life of the work
5. Safety hazards and potential for vandalism of the work of art.
6. Proposed site (if any) of the work of art.
7. Artistic quality of the work of art.
8. Context of the work of art within the City collection.
9. Professional credentials of the artist.

The Arts Commission, with the consent and authorization of the City Council, may designate one or more professionals to serve in an advisory capacity and assist the Arts Commission in its review of a particular purchase.

B. Approval, Acquisition and Installation

Upon its consideration and evaluation of the purchase, the Arts Commission shall prepare a written report addressing the above listed factors and shall vote to recommend that the City Council purchase the artwork. A majority vote of a quorum of the Arts Commission shall be deemed sufficient to make a recommendation.

All recommendations of the Arts Commission shall be presented to the City Council for final action on the purchase, and no proposed purchase of a work of art shall be deemed to have been accepted by the City of Belmont until and unless the proposed purchase is approved by the City Council.

During the review process, the Arts Commission may draft an interim report of the evaluation of the proposed purchase that shall be presented to the City Council for review and discussion prior to the finalization of the proposal for the City Council's decision.

Upon approval of the purchase, the Arts Commission shall work with City staff as necessary to inform the artist in writing of the City Council's decision, initiate a purchase order and a Deed of Purchase/Transfer, legally transferring the artwork and the copyright (as applicable) to the City of Belmont.

1. The Agreement for Purchase of Artwork shall be acknowledged through a written agreement signed by the Artist and the City of Belmont.

Upon completion of the purchase, the Arts Commission shall work with City staff as necessary to see that the artwork is properly installed, insured, photographed, catalogued and necessary maintenance scheduled.

The Arts Commission shall submit a final report to the City Council confirming the completion and installation of the purchased artwork

C. Maintenance of Purchased Artwork

All materials used in the creation of the artwork must be reasonably calculated to last in a public, non-archival setting to the extent intended by the artist. Notwithstanding the foregoing, the City Council; retains and reserves the sole and exclusive discretion to temporarily or permanently modify, relocate or divest the artwork when deemed necessary or appropriate in furtherance of the public health, safety or general welfare.

From time to time, the Arts Commission may, by majority vote, recommend to the City Council that previously purchased works of art accepted into the municipal collection be temporarily or permanently modified, relocated or divested.